

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 11-30060-GPM
)	
)	
EMANUEL COOK,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on a Motion for Compassionate Release filed by Defendant Emanuel Cook (Doc. 96). Mr. Cook seeks compassionate release because he has testicular cancer which he believes is “progressive” and “incurable” (Doc. 96, p. 4).

Compassionate releases are permitted under 18 U.S.C. § 3582(c)(1)(A)(i), which provides that a district court, on motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment of an inmate for extraordinary and compelling reasons.¹ Here, Mr. Cook initiated the request for compassionate release by filing his motion directly with the Court. As clearly provided in the statute, however, the Director, rather than the prisoner, is required to bring a motion to reduce the term of imprisonment on compassionate release grounds. 18 U.S.C. § 3582(c)(1)(A)(i). No such motion has been filed in this case. Therefore, the Court cannot modify Mr. Cook’s sentence pursuant to § 3582(c)(1)(A)(i). *See, e.g., Engle v. United States*, 26

¹ Compassionate releases are also permitted under 18 U.S.C. § 4205(g), however, that statute applies only to inmates whose offenses occurred prior to November 1, 1987. Mr. Cook was indicted in 2011 for his criminal activities that occurred in 2008 until 2010 (*See* Doc. 1). Therefore, § 4205(g) is inapplicable to Mr. Cook.

Fed.Appx. 394, 397 (6th Cir. 2001) (“[T]he district court lacked jurisdiction to *sua sponte* grant compassionate release. A district court may not modify a defendant's federal sentence based on the defendant's ill health, except upon a motion from the Director of the Bureau of Prisons.”); *United States v. Gonzales*, 59 F.3d 1240, 1995 WL 412993, at *2 (5th Cir.1995) (holding that “motion for compassionate release” did not satisfy 18 U.S.C. § 3582(c)(1)(A) because the BOP did not file a motion to reduce the term of imprisonment).

Accordingly, Mr. Cook's Motion for Compassionate Release is **DENIED**.

IT IS SO ORDERED.

DATED: September 10, 2013

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge